

Appl. No. 09/742,709  
Amdt. Dated Jan. 29, 2004  
Reply to Office Action of Aug. 1, 2004

NC 29319

### REMARKS/ARGUMENTS

Claims 1-40 are pending in the present application, wherein claims 1-11, 14-31 and 34-40 are rejected and claims 12, 13, 32 and 33 are objected to.

Claims 1-40 are rejected as obvious under 35 U.S.C. 103(a) over Merriam (U.S. Pat. No. 6,408,187) in view of Osuge (U.S. Pat. No. 6,195,571). The patent of Merriam uses sensors to detect the presence of a user through environmental motion around the communications device, col. 2 lines 1-7 and lines 11-16. These sensors provide a likelihood of user presence and a behavior determining mechanism provides an operating scheme of the communications device, col. 2 lines 20-22. These operating schemes proposed by the behavior determining mechanism include vibration alert, visual alert, audio alert or a forwarding mechanism, col. 2 lines 36-43.

The patent of Osuge uses vibration followed by audio alerts to notify user of an incoming call, col. 2 lines 42-45. The vibration alert is used in combination with a decision circuit 10 and Low-Pass-Filter (LPF 11) to detect motion of a radio pager, col. 3

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lines 59-60 and col. 4 lines 1-3. The decision on which alert is first used is made according to notifying controller 4, col. 4 lines 6-9. When no motion is detected, the system will change from vibration to audio after a specified time period expires, col. 4 lines 53-59.

In regard to the rejection of claims 1 and 21, Merriam detects motion of the environment around the electronic device, not motion of the electronic device, col. 3 lines 27-31, col. 4 lines 1-8. The communication device of Merriam does not sense motion of the device, only environmental motion which may indicate a user of the device is in close proximity. In response to this likelihood of a user's presence, the device can determine the notification most appropriate to the situation, col. 4 lines 42-46. In addition, Merriam is completely silent on the mode of the communication device, and certainly no mention of sleep mode. Osuge does not present the deficiency of sleep mode, as the rejection states is allegedly found in the passage of col. 4 lines 14-67. This cited passage only discusses the flowchart of Fig. 2 and operation of the pager to activate vibration alert followed by audio buzzer after timer has expired. No mention of mode, or especially sleep mode is presented in the Osuge patent.

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The method employed by Merriam, environmental monitoring and no mode requirement, is outside the claimed scope of the present invention, and no sleep mode is discussed by Osuge, consequently this rejection should be withdrawn in light of these deficiencies.

In regard to claims 2-20 and 22-40, Merriam monitors the environment, not the electronic device, and Osuge activates vibration device only after incoming call is received, col. 5 lines 36-50. And neither of these references contains any teaching of a sleep mode, subsequently the cited references taken alone or in combination fail to teach the presently claimed invention.

Applicant graciously acknowledges the indication of allowable subject matter for claims 12,13,32 and 33. However, as presented above, applicants believe the cited references fail to teach the claimed invention, and all claims should now be in condition for allowance.

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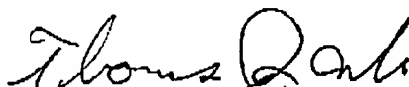
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Accordingly, present claims 1-40 are believed to be in allowable form having overcome all existing rejections set forth within the office action of April 1, 2004. Therefore, applicant respectfully requests allowance of all the claims and issuance of a notice of allowance.

Respectfully submitted,



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